

spacer formed of a single rubber strip as recited in claims 2-7 of the present application and as referred to in Figs. 1, 2, 3a and 3b, for initial examination.

In addition to the above reasons to consider all of the claims in a single application, as set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicants respectfully submit that a serious burden has not been placed on the Examiner. In order to be responsive to the Examiner's election requirement, a fiber reinforced rubber spacer formed of a single rubber strip as recited in claims 2-7 of the present application and as referred to in Figs. 1, 2, 3a and 3b have been initially elected. The Examiner is respectfully requested to reconsider his election requirement and act on all of the claims in the present application. If the Examiner does persist in his election requirement, Applicants reserve the right to file divisional applications directed to the non-elected species at a later date if they so desire.

Accordingly, reconsideration of the requirement for an election of species and action on the merits of all the claims are respectfully requested.

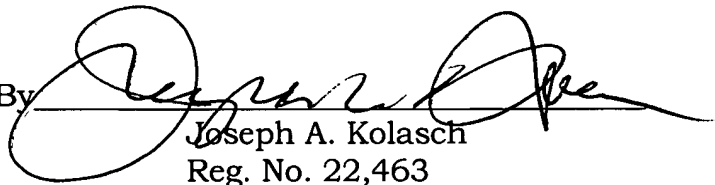
Favorable action on the present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No: 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to read 'Joseph A. Kolasch', is written over a horizontal line.

Joseph A. Kolasch
Reg. No. 22,463

JAK/clb

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